



Shannon R. Joseph  
1330 St. Mary's Street, Suite 460  
Raleigh, NC 27605

919-590-0360  
[sjoseph@morningstarlawgroup.com](mailto:sjoseph@morningstarlawgroup.com)  
[www.morningstarlawgroup.com](http://www.morningstarlawgroup.com)

August 18, 2016

**BY E-MAIL AND HAND DELIVERY**

Charles F. Marshall  
Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.  
1700 Wells Fargo Capitol Center  
150 Fayetteville Street  
Raleigh, NC 27601  
[cmarshall@brookspierce.com](mailto:cmarshall@brookspierce.com)

Josh Lawson  
General Counsel  
North Carolina State Board of Elections  
441 North Harrington Street  
Raleigh, NC 27603  
[legal@ncsbe.gov](mailto:legal@ncsbe.gov)

Re: 2016 Election for Wake County Board of Commissioners

Gentlemen:

We represent Caroline Sullivan, a resident of Wake County. Ms. Sullivan timely and properly filed for election to the Wake County Board of Commissioners in 2016 during the candidate filing period held pursuant to the election plan set forth in N.C. Session Law 2015-4.

That election plan has been held to be unconstitutional. Consequently, the United States District Court for the Eastern District of North Carolina enjoined the Wake County Board of Elections from using the plan set forth in Session Law 2015-4 "in any elections, including the November 2016 election." The federal court ordered that "November 2016 Board of Commissioners election proceed pursuant to the 2011 redistricting plan that was used in the 2014 Wake County Board of

Commissioners election[,]” and that the candidates “run in residency Districts 4, 5, and 6 and be elected countywide.”

Since the federal court order issued last week, Ms. Sullivan has received no communication from the Wake County Board of Elections regarding her candidacy or the plan for election of county commissioners in 2016. While she has attempted individually and through counsel to get additional information, none has been forthcoming. On Friday, August 12, Ms. Sullivan attempted to file to run for election to the District 4 residency seat on the Board of Commissioners, a seat in which she currently serves. The Wake County Board of Elections turned her away and stated that there was no open filing period for the Wake County Board of Commissioners race.

While it is within the authority of the Boards of Elections to modify election schedules in the event of a court decision holding a North Carolina election law to be illegal, as has occurred here, it is outside the authority of the Boards of Election to dispense with fundamental and required prerequisites to a valid election. A filing period for candidates pursuant to a valid election plan is a fundamental component of a fair and proper election. There has been no candidate filing period for the Wake County Board of Commissioners election pursuant to a valid election plan. All election proceedings that have occurred for the county commission race were conducted pursuant to an election law that was declared entirely unconstitutional. By proceeding with an election that does not provide for candidate filing conducted pursuant to a valid election plan, the Wake County Board of Elections and the North Carolina State Board of Elections are acting outside the authority conferred to them by the North Carolina General Assembly and in violation of the constitutional rights of candidates and voters. An invalid election result will occur should this course not be altered immediately.

It is unfortunate and indisputably inconvenient to have an election schedule interrupted. Dispensing with constitutional rights of voters and candidates for the sake of convenience, however, is too high a price.

Ms. Sullivan hereby makes demand on the Wake County Board of Elections and the North Carolina State Board of Elections to immediately halt the use of any and all election procedures conducted pursuant to the unconstitutional 2015 redistricting plan, pursuant to which candidate filing and a primary have

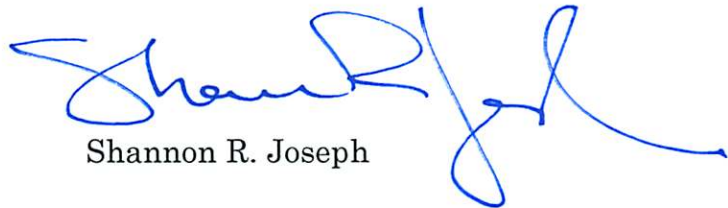


proceeded. Ms. Sullivan further demands that a full and proper election process for the Wake County Board of County Commissioners be conducted pursuant to the 2011 redistricting plan that was used in the 2014 Wake County Board of Commissioners election for the residency Districts 4, 5, and 6. For that process to occur, candidates must be allowed time to file with an understanding of, and pursuant to, the valid and constitutional election districts now declared to be in effect for the upcoming election.

Given the shortness of time and the importance of the issues, we request that you respond by or before 12:00 noon on Monday, August 22. Ms. Sullivan intends to seek judicial relief should that be necessary.

Thank you for your prompt attention to this matter. We look forward to your response.

Very truly yours,



Shannon R. Joseph